

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
DECEMBER 20, 2011**

Mayor McHale called the meeting to order at 7:17PM

**Flag Salute, Silent Prayer**

**Sunshine Law:** The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to ***The Record*** and the ***Press Journal***, posted on the Borough website and filed with the Borough of Dumont.

**Roll Call:**

Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-present  
Mayor McHale-present

Motion to accept agenda as presented with the exception of Resolution #242, now added to the non-consent agenda and Resolution #245 tabled: Councilman Carrick

Second: Councilman Freeman

All in favor.

**Approval of Minutes:**

Motion to approve the December 6, 2011 Executive Session minutes: Councilman Carrick

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion to approve the December 6, 2011 Closed Session minutes: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion to approve the December 13, 2011 Special Public Meeting minutes: Councilman Carrick

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion to approve the December 13, 2011 Closed Session minutes: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

**Administrator Perkins' Report**

Troop 64, under the leadership of Sal Maurice, was thanked again for helping to clean up the park following the storm. Mr. Perkins also thanked the Bergen County Sheriff's office for allowing the inmate program to help out.

Mr. Perkins had a meeting with the Bergen County Improvement Authority for the refinancing of the 2003 early retirement investment program. By refinancing and getting approval of the Local Finance Board, between now and 2023, the Borough will realize a savings of \$72,387.81.

We have received almost \$5,000 from the insurance company for the damage to the fence at Bedford Field. The rest will be submitted to FEMA for consideration.

The Borough also received reimbursement of \$2,359 from the Environmental Joint Insurance Fund for the contaminated oil someone dropped off at the DPW.

### **Council Committee Reports**

- Councilman Caspare

#### *DPW*

A total of 632 miles were swept in November. Leaf collection was temporarily postponed in early November due to heavy storm damage. Branches can now be bundled and put out.

#### *Library*

Mr. Newman, who has been president, has resigned. Ms. Lane has been appointed as trustee. The next meeting is scheduled tomorrow night.

- Councilman Freeman

#### *Environmental Commission*

Dan Harrison has stepped down as chair but wishes to remain on the Commission. They would like Craig Groethus to become chairperson.

- Councilman Manna

The Councilman expressed his gratitude for the opportunity to serve the Borough for the past seven years. He said it has been a challenge and educational. He thanked the volunteers who served.

#### *DPW Environmental Remediation Investigatory Committee*

##### *Report of Findings:*

They were not able to complete the investigation because certain people were not willing to participate. The document is over 120 pages.

- Councilman Carrick

The Councilman thanked Mayor McHale, Councilman Manna and Councilman Caspare for dedicating their time serving on the Council. He stated that they have done a lot of good work for the town.

#### *Fire Department*

The Councilman said he enjoyed being the liaison to the Fire Department. These volunteers should have everything they need to protect this town. They even helped out at the Winter Festival.

#### *Shade Tree Commission*

Sally Tayeb and her group did a great job beautifying the town.

#### *Board of Health*

Frank Magnotta puts his heart and soul into that Board as a volunteer.

- Councilwoman Zamechansky

#### *Senior Citizens*

More than 100 seniors attended their Halloween party at Season's Restaurant.

### *Chamber of Commerce*

They are having a holiday party at Madison's tonight.

They are looking for new members.

### *Police*

There were 1,988 calls to the Dispatch Center in November. The patrol division investigated 41 motor vehicle accidents. The detective bureau investigated 41 criminal cases.

### *Celebrations*

The Winter Festival was a huge success. The Councilwoman thanked Dawn Totten and Janet Galligan, her co-chairs; Mr. Perkins, DPW, Fire Department, Police. Special thanks to Lt. Conner and Bill Bowen.

Councilwoman Zamechansky thanked the three members of the Council and said they will be truly missed-honesty, loyalty and true dedication.

Once the DPW Investigatory report is released, it will be important for people to read it. She read a part of Resolution 98-02-01, which was signed by then Mayor Winant, stating that he certified under penalty of law that he personally examined and am familiar with the information submitted herein and all attached documents. She went on to read that he understood there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that he would be committing a crime in the fourth degree if he made a written false statement. This resolution from November 24, 1998 was signed by former Mayor Winant.

- Councilman Stylianou

The Councilman thanked Councilwoman Zamechansky for the all the work she put in to the Winter Festival and for bringing the community together.

He also thanked Councilman Manna, Councilman Caspare and Mayor McHale for their years of dedication. He said that when you think back to where we were as a community and the issues that had to be confronted, they did an amazing job due to their commitment, knowledge, commitment and respective expertise. He mentioned that he and Mayor McHale did not always see eye to eye but it was due to the passion they each had for the respective issues and their belief that what they were fighting for was in the best interest for the community. He stated that he has a tremendous amount of respect for the three of them and thanked them on behalf of his family for their dedication.

### **Mayor's Report**

Mayor McHale remarked that as the son of a single father; many people have invested in his life. He had a great education in the Dumont school system, which gave him the tools to go to a great university such as Georgetown. He added that to then come home and participate, contribute and invest in a community that invested in him has been the most significant and educational experience of his life. He said that as he leaves the dais this evening, the last seven years have been remarkable for our community; so many things have been put in the right direction and he knows they will continue moving in the right direction. He recognized Mr. Paster, Borough attorney who has counseled him throughout his tenure; Sue Connelly, there is no Borough Clerk better than her-sometimes she's tough but that's what we need; John Perkins, administrator, who knows how to get things done and make the residents feel good about the taxes they pay; Terrie Giotis, CFO, for helping to put the Borough back on track financially; Kathy Schaefer, in the Borough Clerk's office, who has been his right hand and is very responsive to residents. He stated that without this team, he and the administration would not have been able to have been as successful as they have been.

## **ORDINANCES**

### **Second Reading**

**#1436** Bond ordinance providing for various storm water sewer improvements, by and in the Borough of Dumont, in the County of Bergen, State of New Jersey; appropriating \$120,000 therefor and authorizing the issuance of \$114,000 bonds or notes of the Borough to finance part of the cost thereof

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Councilman Freeman wanted clarification for the benefit of the public that money from two other bonds was being reallocated for this project, which was confirmed by Mr. Perkins.

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Carrick

All in favor.

Motion to close: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Motion to adopt on second reading: Councilwoman Zamechansky

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

**#1437** An ordinance of the Borough of Dumont, County of Bergen, State of New Jersey, Amending Chapter 455-Zoning of the Dumont Code-Driveways. The Mayor explained that this basically allows a 16' driveway instead of 15'.

Motion to waive formal reading: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Carrick

All in favor.

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Motion to adopt on reading: Councilman Carrick

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

**#1438** Bond Ordinance-Twin Boro Field Remediation and Reconstruction Project by and in the Borough of Dumont, in the County of Bergen, State of New Jersey; appropriating \$1,200,000 therefor and authorizing the issuance of \$1,140,000 bonds or notes of the Borough to finance part of the cost thereof

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Councilman Freeman asked Mr. Perkins to explain. Mr. Perkins stated that they anticipate the amount will come in less than amount bonded but want to be sure. Any additional money would be cancelled out.

Councilman Caspare asked if the bond includes soft costs. The response was that it is.  
Motion to open to the public: Councilman Stylianou

Second: Councilman Freeman

All in favor.

1. Jack Eckel, Virginia Avenue, asked the amount of the actual construction cost of the allotted \$1.2 million. He said that the treatment plant was originally owned by Dumont and Bergenfield. Could Bergenfield be asked to share the cost?

Motion to close: Councilman Manna

Second: Councilman Freeman

All in favor.

Motion to adopt on second reading: Councilwoman Zamechansky

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

**Review of Consent Agenda Items:** All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

### **RESOLUTIONS**

#11-239 Bills List \*

#11-240 Approval of Frontier Room Request for Live Entertainment January 21, 2011 \*

#11-241 Approval of John P. Perkins as Acting Qualified Purchasing Agent \*

#11-243 Approval of Limousine License for Filbert Valcourt-279 New Milford Avenue \*

#11-246 Approval of Transfer of Budget Appropriations \*

Motion to adopt: Councilwoman Zamechansky

Second: Councilman Freeman

Motion to open to the public: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

### **Non-consent Agenda**

#11-242 Award of Bid-Twin Boro Field Remediation and Construction Project to T&S Builders - \$1,134,682

Motion to adopt: Councilman Carrick

Second: Councilman Stylianou

#11-244 Award of Bid-NJEIT Phase II Flood Control Project to Tomco Construction - \$2,370,868.57 Plus Alternates as Determined by the Governing Body

Motion to adopt: Councilman Carrick

Second: Councilman Stylianou

Motion to open to the public on Resolutions #242 and #244: Councilman Carrick

Second: Councilman Freeman

All in favor.

1. Mayor-elect Jim Kelly, 107 E. Linden Avenue, requested that these items be tabled until next year. There was some heated discussion during the Executive Meeting. The new Mayor and Council will have to see these projects through.
2. Councilman-elect Brophy, 32 Cresskill Avenue, agrees with Mayor-elect Kelly. He doesn't understand the urgency of awarding the bids.

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Councilman Carrick responded to Mr. Kelly and Mr. Brophy's concerns. He stated that the Field project has been ongoing over a year and a half. The field has been closed. It is not that they are rushing into this; it just happens that the new members are stepping in when the time came for the job to be given out. The only thing that could affect the project is if the engineering firm was changed next year, which would require all the work to be re-evaluated, new drawings necessary, etc. This would cost the taxpayers approximately \$80,000-\$100,000 to start this job again.

The Councilman also addressed the NJEIT II project. He stated that T&M has been a very good engineering firm and he believes that will continue to do a good job with this project. People in town have been flooded; it's time to fix the problem. They are not just trying to push things through.

Councilman Freeman echoed the sentiment of Mayor-elect Kelly and Councilman-elect Brophy.

Roll call vote for Resolution #242: Council members Carrick, Caspare, Manna, Stylianou, Zamechansky-yes

Councilman Freeman-no

Motion carried.

Roll call vote for Resolution #244: Council members Carrick, Manna, Stylianou-yes

Council members Caspare, Freeman, Zamechansky-abstain

Motion carried.

Councilman Carrick offered a motion to set January 3, 2012 at 7:00PM for the Reorganization meeting.

Second: Councilman Stylianou

Motion to open to the public on this motion: Councilman Stylianou

Second: Councilman Freeman

All in favor.

1. Mayor-elect Kelly, 107 E. Linden Avenue, stated that he doesn't believe that the Reorganization meeting date should be decided by the current administration, but by the incoming Mayor.

Attorney Paster explained that four members of the sitting Governing Body make that decision since if only three members show up, you don't have a quorum and business cannot be conducted.

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Councilman Stylianou stated that based upon the e-mails initiated by Mayor-elect Kelly suggesting January 2<sup>nd</sup> at 2:00 PM as the date for Reorganization and the responses from Council members Carrick and Freeman that they definitely could not be present, in his opinion leaves them with no choice. The Councilman added that to the best of his recollection, Reorganization has always been the first Tuesday of the year at 7:00PM.

Roll call vote: Council members Carrick, Caspare, Stylianou, Zamechansky-yes

Council members Freeman, Manna-abstained

Motion to open to the public for general comment: Councilman Stylianou

Second: Councilman Freeman

All in favor.

1. Jack Eckel, 20 Virginia Avenue, said that traditionally, going back to the 70's, Reorganization was held New Year's Day. He thinks it's wrong to have it at night when townspeople can't come.

Councilman Stylianou responded that the meeting has to be one that is good for the Council. There are two sitting members-one Republican and one Democrat-who have stated clearly that they cannot be present January 2<sup>nd</sup> at 2:00PM.

2. Mayor-elect Kelly said that there were subsequent e-mails that Councilman Carrick responded to stating he would be away and Councilman Freeman had to work but was available at 4:00. Mr. Kelly said he sent out another e-mail changing the meeting to 4:00 so that Ken Freeman could make it. He said that everyone he spoke to was happy the meeting was scheduled for January 2<sup>nd</sup>. They would prefer that day over January 3<sup>rd</sup> at 7:00PM. His family and guests and the other councilmen and guests prefer January 2<sup>nd</sup>.

Councilman Carrick responded that he cannot be at the meeting January 2<sup>nd</sup> and he is a member of the Council.

Mayor-elect Kelly replied that "there are seven of us and I can't accommodate everyone".

3. Kai Chen, 90 Teak Road, directed his question to Councilman Carrick regarding the structuring of the bids and that he had expressed his desire to have all the work done and not have to cut corners.

Councilman Carrick responded that that was true and the whole job will go out at \$2.79 million.

Mr. Chen replied that "with all due respect, if you want to push this on, if there's anything not being done or not going to be done on time or on schedule, I personally will hold you responsible".

Councilman Carrick stated that that sounded like a threat. He then explained that they expected a two week look-ahead schedule from T&M and weekly meetings with Mr. Perkins. He had asked that they go out to bid a second time and the bids came in lower. Ironically, the same company was the low bidder again.

4. Councilman-elect Brophy, 33 Cresskill Avenue, questioned the vote by the Governing Body as to the Reorganization meeting date and time.

Councilwoman Zamechansky pointed out that the incoming Mayor and Council can be sworn in prior to Reorganization and didn't understand why this has become such an issue. She, however, did not see an e-mail that suggested 4:00PM as the time for Reorganization January 2<sup>nd</sup>. The time did not matter to her but it is important for the full council to be present at the meeting.

5. Jack Eckel, 20 Virginia Avenue, did not come to the microphone and his statement could not be heard clearly.

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Motion to adjourn: Councilman Stylianou

Second: Councilman Manna

All in favor.

Meeting adjourned at 8:25PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk